

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EDWARD CARTER, FRANK FIORILLO, KEVIN
LAMM, JOSEPH NOFI, and THOMAS SNYDER,

Plaintiffs,

Case No. 07-Civ-1215 (SJF)(ETB)

v.

**SUPPLEMENTAL
DECLARATION OF
KENNETH A. NOVIKOFF**

INCORPORATED VILLAGE OF OCEAN BEACH;
MAYOR JOSEPH C. LOEFFLER, JR., individually and in
his official capacity; former mayor NATALIE K.
ROGERS, individually and in her official capacity,
OCEAN BEACH POLICE DEPARTMENT; ACTING
DEPUTY POLICE CHIEF GEORGE B. HESSE,
individually and in his official capacity; SUFFOLK
COUNTY; SUFFOLK COUNTY POLICE
DEPARTMENT; SUFFOLK COUNTY DEPARTMENT:
OF CIVIL SERVICE; and ALISON SANCHEZ,
individually and in her official capacity,

Defendants.

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Kenneth A. Novikoff, Esq., declares under penalty of perjury pursuant to 28 U.S.C. §
1746 as follows:

1. I am a Partner of Rivkin Radler LLP, attorneys for Defendants, Incorporated Village of Ocean Beach, Mayor Joseph C. Loeffler, Jr., individually and in his official capacity, former mayor Natalie K. Rogers, individually and in her official capacity, and the Ocean Beach Police Department, (collectively "Village Defendants"), in this matter, and as such, I am fully familiar with the facts and circumstances set forth herein. I respectfully submit this Supplemental Declaration in support of the Village Defendants' motion for an Order pursuant to Fed. R. Civ. P. 56, granting the Village Defendants summary judgment dismissing the Complaint

of Plaintiffs, Edward Carter, Frank Fiorillo, Kevin Lamm, Joseph Nofi, and Thomas Snyder (collectively "Plaintiffs"), as it applies to the Village Defendants.

2. Annexed hereto collectively as Exhibit "AA" are selected excerpts of the deposition transcript of Defendant George Hesse, dated August 6, 2009.

3. Annexed hereto collectively as Exhibit "BB" are selected excerpts of the deposition transcript of Defendant Alison Sanchez, dated February 18, 2009.

4. Annexed hereto collectively as Exhibit "CC" are selected excerpts of the deposition transcript of Richard Bosetti, dated February 10, 2009 and February 11, 2009.

5. Annexed hereto collectively as Exhibit "DD" are selected excerpts of the deposition transcript of Gary Bosetti, dated February 23, 2009.

6. Annexed hereto collectively as Exhibit "EE" are selected excerpts of the deposition transcript of Patrick Cherry, Sr., dated November 18, 2008.

7. Annexed hereto collectively as Exhibit "FF" are selected excerpts of the deposition transcript of Edward Paradiso, dated July 29, 2009.

8. Annexed hereto collectively as Exhibit "GG" are selected excerpts of the deposition transcript of Mary Anne Minerva, dated November 7, 2008.

9. Annexed hereto collectively as Exhibit "HH" are selected excerpts of the deposition transcript of Cynthia DiStephano, dated June 5, 2009.

10. Annexed hereto as Exhibit "II" is a true and accurate copy of a photograph of Plaintiffs Nofi and Fiorillo, from the "flickr" website, at the following address: <http://www.flickr.com/photos/pollyt/130852118/>.

11. Annexed hereto as Exhibit "JJ" is a true and accurate copy of the police department employee roster for 2002, with bate-stamp No. 010186.

Dated: Uniondale, New York
January 15, 2010

s/
Kenneth A. Novikoff (KAN-0350)